

HOUSE BILL 992

By Campfield

AN ACT to amend Tennessee Code Annotated, Title 16;
Title 19; Title 22 and Title 36, Chapter 3, relative to
jurisdiction for prosecution of criminal contempt of
order of protection.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-3-612, is amended by deleting
such section in its entirety and by substituting instead the following:

(a) A person arrested for the violation of an order of protection issued pursuant
to this part or a restraining order or court-approved consent agreement, shall be taken
before a magistrate or the general sessions court without unnecessary delay to answer a
charge of contempt for violation of the order of protection, restraining order or court-
approved consent agreement, and the court shall:

(1) Notify the clerk of the general sessions court having jurisdiction in the
cause to set a time certain for a hearing on the alleged violation of the order of
protection, restraining order or court-approved consent agreement within ten (10)
working days after arrest, unless extended by the court on the motion of the
arrested person;

(2) Set a reasonable bond pending the hearing on the alleged violation of
the order of protection, restraining order or court-approved consent agreement;
and

(3) Notify the person to whom the order of protection, restraining order or
court-approved consent agreement was issued to protect and direct the party to
show cause why a contempt order should issue.

(b) Either the court of general sessions that is in the same jurisdiction as the
court that originally issued the order of protection, restraining order, or court-approved

consent agreement, or a court of general sessions in the county where the alleged violation of the order occurred shall have the authority and jurisdiction to conduct the contempt hearing required by subsection (a). The general sessions court conducting the hearing shall have the same authority to punish as contempt a violation of the order of protection, restraining order, or court-approved consent agreement as the court originally issuing the order. If the punishment for a violation of the order of protection, restraining order, or court-approved consent agreement could exceed thirty (30) days incarceration, the defendant shall be entitled to a trial by jury.

SECTION 2. This act shall take effect July 1, 2007, the public welfare requiring it.